



Austin City Council MINUTES

**For SPECIAL CALLED MEETING
NOVEMBER 7, 1984 - 4:00 P.M.**

Council Chambers, 307 West Second Street, Austin, Texas

City Council

**Ron Mullen
Mayor**

**John Treviño, Jr.
Mayor Pro Tem**

Council Members

**Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy**

**Jorge Carrasco
City Manager**

**Elden Aldridge
City Clerk**

Memorandum To:

Mayor Mullen called to order the Special Called Meeting of the Council scheduled for 4:00 p.m., noting the presence of all Councilmembers. The Mayor stated the purpose of the meeting is for a public hearing on the January Election. Also on the agenda is an item from Council introduced by Mayor Pro Tem Trevino and Councilmember Rose to consider cancelling the December 20, 1984 and December 27, 1984 City Council Meetings.

PUBLIC HEARING - JANUARY ELECTION

Geech Koock, Texas Embassy Living Museum, said they would like to build a museum in time for the Sesquicentennial. It will be on the order of Williamsburg and will be on leased land at Lake Walter E. Long. The museum will be circa 1836-1936 and the only cost to the City of Austin will be the land.

Phil Maxwell, Board of Directors, Zachary Scott Theater, said they want an item on the bond election for improvements to and enlargement of, their facility.

Mayor Mullen told Mr. Maxwell he had asked the Theater representatives to back off before until they were better organized concerning their request. Mayor Mullen said his request had been granted and now he favors putting the Zachary Scott Theater request on the ballot.

Susan O'Hagen, asked Council's support for a downtown art museum and include the request on the ballot.

Frank McBee spoke in favor of a downtown Laguna Gloria.

Max Nofziger urged a vote on single member districts.

Harry W. Nolen said he is against single member districts.

Jay Frank Powell favors arts, the theater and the 80 acre park.

Motion

The Council, on Councilmember Duncan's motion, Mayor Mullen's second, closed the public hearing. (7-0 Vote)

CITY MANAGER REPORT - PROPOSED CHARTER REVISION

City Manager Carrasco addressed Council as follows: "We presented yesterday a very brief report on a concept relating to a Comprehensive Plan that would be a part of the possible Charter revision and that would be a basis for zoning and other decisions that would permit Council to establish a planning process that tie future zoning and land use decisions to a comprehensive plan that in this case would be land use based. I would like to provide a little background information on the genesis of not only this concept but the concept that was used in the northwest as far as the model presented earlier. There has been some misunderstanding as to how the plan came about. One of the things I asked the staff to prepare for me was some background information on the goals that were established by Council, which we in turn responded to and resulted in the formulation of the northwest plan as well as the idea of having a comprehensive planning process as a part of the Charter. In going back, I identified a number of things that the Council had articulated as a part of your goal session that was what we used as a basis for formulating the tool that could be used by you in accomplishing the goals and objectives. First of all in August there were a number of key things you asked us to work on. (1) The idea of a comprehensive service plan to be voted on by the voters. This is something the Mayor raised at a goal session as a concept that could be used to develop a service plan, which then would be a basis for a vote by the people, and assuming a successful vote, would allow the City to authorize the issuance of revenue bonds in support of that plan. That comprehensive service plan is very much an idea that is a part of the model that we have been talking about. Another concept the Council asked us to work on and provide tools to accomplish is the goal that growth should pay for itself. To insure fiscal integrity of growth decisions and one of the things the northwest model has proposed is a financing model that attempts to shift the risk and responsibility for some of these financial investments for infrastructure from the rate payer to the developer interested in extending service to these areas. Another idea that the Council presented at

11/7/84

the work sessions and asked us to develop tools in order to implement this idea was the concept of annexation of the ETJ section for limited purposes with a land use plan. As you recall, this is precisely what the Northwest Plan seeks to accomplish to formulate a basis for planning out in the ETJ, extending limited purpose annexation instruments and then develop along these plans to follow that. Council also established the need for a growth watch system which would enable us to monitor growth and development in these areas. Councilman Duncan, in particular, presented that concept. We, in turn, have been working in the development of a data base that will enable us to monitor growth patterns and make sure we have the kind of information needed to track growth. Other concepts that have been presented, Lake Travis Ordinance, Loop 360, 2222 Ordinances, many of these initiated by Councilmember Rose in order for us to set the tone for the kind of development standards that ought to be looked at for the northwest sector of the City. Council also requested we develop a comprehensive annexation program. In the last 10 years the City has annexed approximately 46 square miles and in this year alone this City Council has contemplated the possible annexation of as much as 43.7 square miles in one year. Another major recommendation of the Council that is also a basis for some of the considerations out in the northwest area is a major employer's task force related industrial policy. That is something the Council initiated and suggested the establishment of such a task force. The recommendations have been presented and although they have not been, in all cases, implemented yet, the concept of an industrial policy and many of the ideas of the major employers task force are at the center of what we are trying to accomplish not only in the northwest area but in other areas of the City's ETJ.

"Another concept the Council identified in a work session was tying utility services to annexation. That is something we are doing in this plan. There was discussion at work sessions about the idea of having variable service plans for newly annexed areas and this is one of the key strategies that is being used in the northwest as a mechanism for dealing with full purpose annexation at some point in time. You will recall, in giving you information on fiscal impact, we differentiated under full purpose annexation a full service plan and a reduced service plan, in effect, a variable service concept." Mr. Carrasco said these ideas are a result of the Council requests. "We worked on the requests in order to formulate techniques, things that the professional staff, planning, financial and utility staff, could use in order to integrate these systems and present for your consideration a model that could not only be used out in the northwest but that could also be used in other parts of the ETJ of the City in order to improve the planning processes the City has in place. The concept we are presenting today is a further extension of that idea and the idea here is to try to develop comprehensive planning that could be provided for in the Charter, could be translated into zoning decisions and other land use decisions that would have to be consistent with that comprehensive plan. The land use comprehensive plan would be framework that would require as much as a year or more in order for that

11/7/84

to be developed and for that to set policy for the City and to be converted into day to day zoning decisions that would be made in future years until such plans are changed or amended." Mr. Carrasco stated it was important for him to go through this plan because "there was some misunderstanding about the plan that was developed, sometimes implying this plan had been developed by the City staff and sometimes underestimating the fact that the Council was the one that set the environment for us to be able to respond with the tools that would accomplish the goals to be established. These are not our goals, these are goals established as the City's policy, which we are simply responding to....."

Norman Standerfer stated, "The material we have provided you with was an attempt by staff to respond by some mechanism some way to deal with the transition of the planning process and regulatory systems we have in place that worked partially in the full purpose area and in some limited way in the ETJ as a mechanism to bridge the gap between the kind of planning system we have today and one we think will fully respond to the goals and objectives of this City Council. We dealt with the kinds of questions we were asking back and forth between our advisor as to the nature of the kinds of thrust of any kind of Charter language.What we probably failed to have time to discuss with you last night is what would be the impact of such a Charter provision. It works in many locations in a manner that it is the marching order for your staff to carry out your policy. It provides us a framework, over time, to provide you with the kind of rigor and scientific precision, coordinated comprehensive plan that spelled out in depth what the elements of that plan are. That becomes a basis for the coordinated delivery of services in Austin. It is an attempt to give you a framework to manage the growth that is coming to Austin, particularly a way to get a handle on the growth in the ETJ, quite frankly. The adoption of a Charter amendment, per se, would have no immediate impact on the operations of the City of Austin. It would give us the marching order in concert with your public policy direction, of how those plans would be evolved when adopted, when those plans would be translated into action. It's really an effort to refine and evolve the concept of the Austin Comprehensive Plan to a more meaningful document, a document that really drives the operational decisions as daily activities of all the organizations that Mr. Carrasco manages to see that the policy of this City is in fact carried out. It is the tool by which you manage growth throughout the Austin City territory and its greater region. It is an attempt to respond to regional growth impact through a planned environment. Your decisions pertaining to zoning would remain in place. You still would deal with all the issues in the same manner you traditionally dealt with them. If that means select area studies like the northwest area study for more precision those will evolve in various sectors of the City. The Charter gives us the foundation to begin to build certain kinds of tools and techniques that will translate what is today an advisory kind of plan in Texas into a meaningful plan that will carry out the strategy for managing growth. There is no attempt here for a stop-growth institution. Growth is coming to Austin and Austin needs to manage that growth. Austin needs

to manage that growth. Austin needs to know how to be able to provide services for that growth. Austin needs to define where it can accommodate growth. That's the framework. We're after that kind of mandatory planning system that you have faith in that the plan has rigor, scientific basis...when you consider their implications and adopt them, they can affect and carry out your policy. That traditionally does not happen under the advisory plan system. That's why we are suggesting that the Charter based planning system will give you those kind of tools. We have here Mr. Dan O'Connell who has served as a foil for our debate. We will have some discussion. Staff has prepared a set of responses to his questions and if appropriate we can deal with those suggestions. If they seem to be on track with your goals and objectives we would hope to pursue very quickly some Charter language that would carry out those objectives."

Dan O'Connell told Council he is happy to join in the work on the Charter Amendment for Comprehensive Planning. "I am a member of the Florida Bar, also a member of Certified Planners..... I have been asked to do a workshop draft of the underlying gut issues that you must face as a City Council in proposing a Charter to the people to adopt...to put Charter language into your planning and growth management system. (He referred to the report. City Clerk did not receive copy.) Basically what I am trying to do is talk about the comprehensive plan which the proposed Charter amendment would implement further in the City of Austin.The final section of this report is basically a series of policy questions for you all to feed back to the staff and me as the assistant to the attorney helping you draft this language. It is important that we get specific directions from you before we do the draft. Basically the first thing that must be done, and the reason I do this is the history of planning and zoning in the United States has been backwards. Most people have thought that zoning was planning. It is not planning. Planning is independent and separate from zoning. Planning are those policies that in effect you are adopting to try and guide your land use policies. In effect, the whole purpose of planning is to set some legitimate standards for zoning.....Your planning do go to court so you want to prepare yourself to go into court with good decisions that are defensible. Moreover, now the judges are looking rather carefully into the real basis of land use decisions. Such an investigation necessarily becomes an inquiry into the planning documentation and the planning rationale for such decisions. Thus, in effect, it is an insurance policy for your growth management decision to have a comprehensive plan upon which you re-zone, zone, approve subdivisions, commit your Capital Improvement Programs, and pass ordinances that relate to environmental and other issues. Most people in the United States admit there is a trend among states and local governments to adopt what is called the plan as law movement for consistency. A city would adopt a separate comprehensive plan and then they would, in law, require that their decision be consistent with that comprehensive plan. By 1981, 14 states had consistency

11/7/84

requirements. Most all the high growth states in the sun belt are state legislatures that are mandating these plans be adopted and the zoning be consistent with it.Most growth states are following a plan to mandate some kind of comprehensive plan to be a strong legal guide for your land use decisions. But even the states that enact a plan, courts are imposing a mandate for a comprehensive plan or cities are taking the initiative to do it. Many cities do not wait for the legislature to act." He gave examples of cities that have changed their charter for a comprehensive planning amendment."Should you amend Article 10, Section 4 of Austin City Charter, which at the current time has some provisions on the master plan, should that be amended to change the nature and scope and requirements for your comprehensive plan. Do you want to expand the scope of your plan to include your ETJ?"

Norman Standerfer stated, "Our recommendation is that we should amend the plan and call for the elements that are part of that plan. It should cover clear authority to plan for not only the full purpose area but also the ETJ. Those 11 pieces are generally what you see in sections in comprehensive plans. There would be a goals, policies and standards element, land use element, housing element, water and wastewater element, transportation element, economic element, parks and recreation element and an annexation element. Those would specify what your comprehensive planning is....."

Mr. Standerfer then went through each of the items and Mr. Carrasco said they would come back to Council with some material on each of those.

1. Define plan you want by Charter with some elements.
2. Should you strengthen comprehensive planning by making amendments difficult to get?
3. Should it include a further amendment to strengthen the authority of the City to implement its comprehensive plan?
4. Should you direct in the Charter that innovative new land use techniques be used to implement the charter.
5. Do you want to expand the Planning Commission?
6. Any other questions Council wants to raise.

COUNCIL MEETING CANCELLED

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, approved the cancellation of the December 27, 1984 City Council Meeting. (6-0 Vote, Councilmember Shipman absent.) The motion by Mayor Pro Tem Trevino to also cancel the December 20, 1984 meeting failed to pass by a 1-4-0 Vote, Councilmember Duncan, Rose, Spaeth & Mayor Mullen voted No, Councilmember Shipman absent, Councilmember Urdy abstained.

ADJOURNMENT

Council adjourned its meeting at 5:30 p.m.